

REMARKS

Upon entry of this amendment, claims 1, 3 and 7-13 are all the claims pending in the application. Claim 6 has been canceled by this amendment.

I. Claim Rejections under 35 U.S.C. § 101

Claim 13 has been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. By this amendment, Applicants note that claim 13 has been amended such that this claim is now directed to a program stored on a tangible computer-readable recording medium, thereby addressing the Examiner's comments on pages 2-3 of the Office Action.

In view of the foregoing, Applicants respectfully submit that claim 13 is directed to statutory subject matter, and therefore, kindly request that the above-noted rejection be reconsidered and withdrawn.

II. Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 3 and 6-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bryant et al. (US 7,318,774) in view of Rowe (US 2005/0124407).

Claim 1, as amended, recites the features of a terminal body, and a secure device removable from the terminal body, wherein the secure device includes a first storage unit operable to previously store a first application program for reproducing the content in a members-only operation mode, and wherein the terminal body includes a reproduction unit having a second storage unit operable to previously store a second application program for reproducing the content in a non-member operation mode.

Applicants respectfully submit that Bryant and Rowe do not teach or suggest the above-

noted combination of features recited in amended claim 1.

In particular, with respect to Bryant, Applicants note that this reference discloses a gaming machine that is able to operate in two modes, including a first normal mode and a second loyalty enhanced mode, wherein the first mode is available to all payers and the second mode is made available only to players that have established membership in a group by inserting a membership card (see Abstract; col. 1, lines 46-56; and col. 2, lines 10-14).

Based on the foregoing description, Applicants note that while Bryant discloses the use of a second loyalty enhanced mode that is made available only upon the insertion of a membership card, that Bryant does not disclose or in any way suggest that the membership card includes a storage unit for storing an application program for reproducing content in the second loyalty enhanced mode.

As such, Applicants respectfully submit that Bryant does not disclose, suggest or otherwise render obvious the above-noted features recited in amended claim 1 of a secure device removable from the terminal body, wherein the secure device includes a first storage unit operable to previously store a first application program for reproducing content in a members-only operation mode, and wherein the terminal body includes reproduction unit having a second storage unit operable to previously store a second application program for reproducing the content in a non-member operation mode.

Further, Applicants respectfully submit that Rowe does not cure the above-noted deficiencies of Bryant. In particular, with respect to Rowe, Applicants note that this reference discloses the use of a smart card having a processor and memory configured to execute a number of gaming applications (e.g., see Abstract). Regarding this disclosure, Applicants submit that even when considered in conjunction with the disclosure of Bryant, that one of ordinary skill in

the art would not have been motivated to provide a membership card having stored thereon an application program for reproducing content in a members-only operation mode.

In other words, because Rowe merely discloses the use of a smart card having a processor and memory configured to execute gaming applications, Applicants respectfully submit that there is no reason that one of ordinary skill in the art, based on this disclosure in Rowe, would have been motivated to modify the membership card disclosed in Bryant so as to store thereon an application program for reproducing content in a members-only operation mode.

In view of the foregoing, Applicants respectfully submit that the combination of Bryant and Rowe does not teach, suggest or otherwise render obvious the above-noted features recited in amended claim 1 of a terminal body, and a secure device removable from the terminal body, wherein the secure device includes a first storage unit operable to previously store a first application program for reproducing the content in a members-only operation mode, and wherein the terminal body includes a reproduction unit having a second storage unit operable to previously store a second application program for reproducing the content in a non-member operation mode.

Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested. Claims 3 and 7-11 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 12, Applicants note that this claim has been amended to indicate that the secure device includes a first storage unit that previously stores a first application program for reproducing content in a members-only operation mode, and the terminal body includes a second storage unit that previously stores a second application program for reproducing the content in a non-member operation mode, and that a selection step includes selecting one of the first

application program and the second application program which are stored in the first storage unit and the second storage unit, respectively, in accordance with a setting result.

For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that the cited prior art references do not teach, suggest or otherwise render obvious the above-noted features recited in claim 12. Accordingly, Applicants submit that claim 12 is patentable over the cited prior art, an indication of which is kindly requested. Claim 13 depends from claim 12 and is therefore considered patentable at least by virtue of its dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Ryuichi OKAMOTO et al.

/Kenneth W. Fields/
By 2009.10.30 12:36:53 -04'00'

Kenneth W. Fields
Registration No. 52,430
Attorney for Applicants

KWF/krg
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
October 30, 2009